

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\*\*\*\*\*

GARY LA BARBERA, THOMAS GESUALDI, \*  
LAWRENCE KUDLA, LOUIS BISIGNANO, \*  
ANTHONY PIROZZI, FRANK FINKEL, \*  
JOSEPH FERRARA, SR., LYNN MOUREY, \*  
MARC HERBST AND THOMAS PIALI \*  
As Trustees and Fiduciaries of the Local 282 \*  
Pension Trust Fund, \*

07-CV-5763 (JSR)

Plaintiffs

-against-

**ANSWER TO  
AMENDED  
COMPLAINT,  
CROSS CLAIM  
AND  
AFFIRMATIVE  
DEFENSES**

JUDA CONSTRUCTION, LTD., FULLERTON \*  
LAND DEVELOPMENT, LTD a/k/a/ FULLERTON \*  
AVENUE LAND DEVELOPMENT, LTD., CTJ \*  
CONSTRUCTION LTD., CHATHAM \*  
CONSTRUCTION, LTD., FINESSE CONSTRUCTION \*  
LLC, INOVATIVE DISPOSAL SYSTEMS LLC, \*  
PURE EARTH INC., PURE EARTH TRANSPORTATION \*  
AND DISPOSAL SYSTMES, INC. a/k/a AMERCIAN \*  
TRANSPORTATION AND DISPOSAL SYSTEMS LTD, \*  
PURE EARTH MATERIALS, INC. a/k/a/ SOUTH \*  
JERSEY DEVELOPMENT, INC., THOMAS ATTONITO, \*  
NICHOLAS PANICIA and CHRISTOPHER UZZI \*

Defendants

\*\*\*\*\*

Defendants, Finesse Construction LLC and Innovative Disposal Systems LLC  
(collectively "Defendants"), for their Answer to the Amended Complaint of Plaintiffs,  
Gary La Barbara, Thomas Gesualdi, Lawrence Kudla, Louis Bisignano, Anthony Pirozzi,  
Frank H. Finkel, Joseph A. Ferrara Sr., Lynn Mourley, Marc Herbst and Thomas Piali, as  
Trustees and Fiduciaries of the Local 282 Pension Trust Fund, say:

**JURISDICTION AND VENUE**

1. With respect to the allegations contained in Paragraph 1 of the Amended Complaint, admit that Plaintiffs purport to invoke this Court's jurisdiction over certain claims on certain United States statutes, and deny that there exists any basis in law or fact for any such claims.

2. With respect to the allegations contained in Paragraph 2 of the Amended Complaint, admit that Plaintiffs purport to invoke this Court's jurisdiction over certain claims on certain United States statutes, and deny that there exists any basis in law or fact for any such claims

3. With respect to the allegations contained in Paragraph 3 of the Amended Complaint, admit that Plaintiffs purport to invoke this Court's jurisdiction over certain claims on certain United States statutes, and deny that there exists any basis in law or fact for any such claims

4. Deny the allegations contained in Paragraph 4 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 4 contains allegations of fact, Defendants deny them.

**PARTIES**

5. Admit the allegations contained in Paragraph 5.

6. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 6.

7. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 7.

8. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 8.

9. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 9.

10. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 10.

11. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 11.

12. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 12.

13. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 13.

14. Admit that Finesse Construction LLC is a company that is owned by Vanessa Rodriguez, maintains a principal place of business at 745 Ten Eyck Ave., Lyndhurst, NJ 07071 and employs at least one driver covered by a contract with Local 282 and performs work in New York. Deny that at all times material hereto, Finesse has been engaged in the business of demolition work.

15. Defendants deny the allegations contained in Paragraph 15.

16. Defendants admit the allegations contained in paragraph 16..

17. Defendants admit the allegations contained in paragraph 17.

18. Defendants deny the allegations contained in Paragraph 18.

19. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 19.

20. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 20.

21. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 21.

22. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 22.

23. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 23

24. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 24.

25. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 25.

26. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 26.

27. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 27.

28. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 28.

29. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 29.

30. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 30.

31. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 31.

32. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 32.

33. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 33.

34. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 34.

**PRIOR JUDGEMENT AGAINST WHITNEY TRUCKING**

35. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 35.

36. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 36.

37. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 37.

38. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 38.

39. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 39.

40. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 40.

41. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 41.

42. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 42.

43. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 43.

44. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 44.

45. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 45.

46. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 46.

47. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 47.

48. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 48.

49. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 49.

50. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 50.

51. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 51.

52. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 52.

53. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 53.

**COLLECTIVE BARGAINING AGREEMENTS WITH LOCAL 282**

54. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 54.

55. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 55.

56. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 56.

57. Admit the allegation in Paragraph 57 that Innovative has signed a collective bargaining agreement with Local 282 on or about December 12, 2006. Deny the allegation that Innovative has been a signatory to a “series of collective bargaining agreements”.

58. Admit the allegation in Paragraph 58 that Finesse has signed a collective bargaining agreement with Local 282 on or about December 12, 2006. Deny the allegation that Finesse has been a signatory to a “series of collective bargaining agreements”.

59. Admit the allegation in paragraph 59 that Innovative and Finesse were subject to and bound by the Trust Agreement, which is incorporated by reference into the collective bargaining agreements. Defendants lack sufficient knowledge or information to admit or deny the other allegations contained in paragraph 59.

60. Deny the allegations contained in Paragraphs 60 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 60 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

**BACKGROUND**

61. Deny the allegations contained in Paragraphs 61 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraph 61, contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

62. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 62.

63. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 63.

64. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 64.

65. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 65.

66. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 66.

67. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 67.

68. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 68.

69. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 69.

70. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 70.



71. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 71.

72. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 72.

73. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 73.

74. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 74.

75. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 75.

76. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 76.

77. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 77.

78. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 78.

79. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 79.

80. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 80.

81. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 81.

82. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 82.

83. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 83.

84. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 84.

85. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 85.

86. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 86.

87. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 87.

88. Admit that Rodriguez signed a Memorandum of Agreement dated December 12, 2006 with Local 282.

89. Admit that Innovative and Finesse operate out of the same location, 745 Ten Eyck Ave., Lyndhurst, NJ.

90. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 90.

91. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 91.

92. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 92.

**JUDA**

93. Deny the allegations contained in Paragraphs 93 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 93, contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

94. Deny the allegations contained in Paragraphs 94 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 94, contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

95. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 95.

96. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 96.

97. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 97.

98. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 98.

99. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 99.

100. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 100.

101. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 101.

102. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 102.

103. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 103.

104. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 104.

105. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 105.

106. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 106.

107. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 107.

108. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 108.

109. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 109.

110. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 110.

110. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 111.

112. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 112.

113. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 113.

**CHATHAM**

114. Deny the allegations contained in Paragraphs 114 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 114 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

115. Deny the allegations contained in Paragraphs 115 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 115 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

116. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 116.

117. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 117.

118. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 118.

119. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 119.

120. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 120.

121. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 121.

122. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 122.

123. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 123.

124. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 124.

125. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 125.

126. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 126.

127. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 127.

128. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 128.

129. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 129.

130. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 130.

131. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 131.

132. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 132.

133. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 133.

**FULLERTON LAND**

134. Deny the allegations contained in Paragraphs 134 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 134 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

135. Deny the allegations contained in Paragraphs 135 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 135 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

136. Deny the allegations contained in Paragraphs 136 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 136 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

137. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 137.

138. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 138.

139. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 139.

140. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 140.

141. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 141.

142. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 142.

143. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 143.

144. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 144.

145. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 145.

146. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 146.

147. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 147.

148. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 148.

149. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 149.

**CTJ**

150. Deny the allegations contained in Paragraphs 150 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 150 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

151. Deny the allegations contained in Paragraphs 151 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 134 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.



152. Deny the allegations contained in Paragraphs 152 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 152 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

153. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 153.

154 Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 154.

155. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 155.

156. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 156.

157. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 157.

158. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 158.

159. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 159.

160. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 160.

161. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 161..

162. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 162.

163. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 163.

164. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 164.

165. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 165.

166. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 166.

167. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 167.

168. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 168.

169. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 169.

170. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 170.

171. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 171.

172. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 172.

**THE PURE EARTH COMPANIES**

173. Deny the allegations contained in Paragraphs 173 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 173 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

174. Deny the allegations contained in Paragraphs 174 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 174 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

175. Deny the allegations contained in Paragraphs 175 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 175 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

176. Deny the allegations contained in Paragraphs 176 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 176 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

177. Deny the allegations contained in Paragraphs 177 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 177 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

178. Deny the allegations contained in Paragraphs 178 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 178 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

179. Deny the allegations contained in Paragraphs 179 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 179 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

180. Deny the allegations contained in Paragraphs 180 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 180 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

181. Deny the allegations contained in Paragraphs 181 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 181 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

182 Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 182.

183. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 183.

184. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 184.

185. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 185.

186. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 186.

187. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 187.

188. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 188.

189. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 189.

190. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 190.

191. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 191.

192. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 192.

193. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 193.

194. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 194.

195. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 195.

**FINESSE AND INNOVATIVE**

196. Deny the allegations contained in Paragraphs 196 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 196 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

197. Deny the allegations contained in Paragraphs 197 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 197 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

198. Deny the allegations contained in Paragraphs 198 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 198 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

199. Admit the allegations in paragraph 199 that on December 12, 2007 Jani Rodriguez signed a Memorandum of Agreement with Local 282 on behalf of Innovative and Finesse, that Innovative and Finesse are located at the same address, 745 Ten Eyck Ave., Lyndhurst, NJ 07071 and that Jani Rodriguez and Vanessa Rodriguez are married. Deny all other allegations contained in this paragraph.

200. Defendants deny the allegations contained in paragraph 200.

201. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 201.

202. Defendants deny the allegations contained in paragraph 202.

203. Defendants deny the allegations contained in paragraph 203.

204. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 204.

205. Defendants deny the allegations contained in paragraph 205

206. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 206.

207. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 207.

208. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 208

209. Defendants deny the allegations contained in paragraph 209.

210. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 210

211. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 211.

### **THE INDIVIDUALS**

212. Deny the allegations contained in Paragraph 212 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 212 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

213. Deny the allegations contained in Paragraphs 213 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 213 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

214. Deny the allegations contained in Paragraphs 214 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 214 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

### **WHITNEY TUCKING AND THE INDIVIDUALS**

215. Defendants lack sufficient knowledge or information to admit or deny the

allegations contained in paragraph 215.

216. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 216.

217. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 217.

218. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 218.

219. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 219.

220. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 220.

221. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 1221.

222. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 222.

223. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 223.

224. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 224.

225. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 225.

226. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 226.



227. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 227.

228. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 228.

**CTJ AND THOMAS ATTONITO**

229. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 229.

230. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 230.

231. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 231.

232. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 232.

233. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 233.

234. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 234.

235. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 235.

236. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 236.

237. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 237.

238. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 238.

239. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 239.

240. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 240.

241. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 241.

242. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 242.

243. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 243.

#### **FULLERTON LAND AND THE INDIVIDUALS**

244. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 244.

245. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 245.

246. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 246.

247. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 247.

248. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 248.

249. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 249.

250. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 250.

251. Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 251.

#### **FIRST CAUSE OF ACTION**

252. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 251 of the Amended Complaint as if set forth herein in full.

253. Deny the allegations contained in Paragraphs 253 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 253 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

254. Deny the allegations contained in Paragraphs 254 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 254 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **SECOND CAUSE OF ACTION**

255. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 254 of the Amended Complaint as if set forth herein in full.

256. Deny the allegations contained in Paragraphs 256 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 256 contains allegations of fact, Defendants lack sufficient knowledge or information to

admit or deny same

257. Deny the allegations contained in Paragraphs 257 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 257 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

### **THIRD CAUSE OF ACTION**

258. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 257 of the Amended Complaint as if set forth herein in full.

259. Deny the allegations contained in Paragraphs 259 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 259 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

260. Deny the allegations contained in Paragraphs 260 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 260 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

261. Deny the allegations contained in Paragraphs 261 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 261 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

### **FOURTH CAUSE OF ACTION**

262. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 261 of the Amended Complaint as if set forth herein in full.

263. Deny the allegations contained in Paragraphs 263 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 263 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

264. Deny the allegations contained in Paragraphs 264 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 264 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **FIFTH CAUSE OF ACTION**

265. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 264 of the Amended Complaint as if set forth herein in full

266. Deny the allegations contained in Paragraphs 266 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 266 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

267. Deny the allegations contained in Paragraphs 267 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 267 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **SIXTH CAUSE OF ACTION**

268. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 267 of the Amended Complaint as if set forth herein in full

269. Deny the allegations contained in Paragraphs 269 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 269 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

270. Deny the allegations contained in Paragraphs 270 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 270 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **SEVENTH CAUSE OF ACTION**

271. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 270 of the Amended Complaint as if set forth herein in full.

272. Deny the allegations contained in Paragraphs 272 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 272 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

273. Deny the allegations contained in Paragraphs 273 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 273 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **EIGHTH CAUSE OF ACTION**

274. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 273 of the Amended Complaint as if set forth herein in full.

275. Deny the allegations contained in Paragraphs 275 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs

275 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

276. Deny the allegations contained in Paragraphs 276 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 276 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

277. Deny the allegations contained in Paragraphs 277 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 277 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **NINTH CAUSE OF ACTION**

278. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 277 of the Amended Complaint as if set forth herein in full

279. Deny the allegations contained in Paragraphs 279 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 279 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

280. Deny the allegations contained in Paragraphs 280 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 280 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

#### **TENTH CAUSE OF ACTION**

281. Repeat and reallege their responses to the allegations contained in

Paragraphs 1 through 280 of the Amended Complaint as if set forth herein in full

282. Deny the allegations contained in Paragraphs 282 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 282 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

283. Deny the allegations contained in Paragraphs 283 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 283 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **ELEVENTH CAUSE OF ACTION**

284. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 283 of the Amended Complaint as if set forth herein in full

285. Deny the allegations contained in Paragraphs 285 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 285 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

286. Deny the allegations contained in Paragraphs 286 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 286 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

#### **TWELFTH CAUSE OF ACTION**

287. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 286 of the Amended Complaint as if set forth herein in full



288. Deny the allegations contained in Paragraphs 288 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 288 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

289. Deny the allegations contained in Paragraphs 289 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 289 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

### **THIRTEENTH CAUSE OF ACTION**

290. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 289 of the Amended Complaint as if set forth herein in full.

291. Deny the allegations contained in Paragraphs 291 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 291 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

292. Deny the allegations contained in Paragraphs 292 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 292 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

### **FOURTEENTH CAUSE OF ACTION**

293. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 292 of the Amended Complaint as if set forth herein in full.

294. Deny the allegations contained in Paragraphs 294 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 294 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

295. Deny the allegations contained in Paragraphs 295 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 295 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

296. Deny the allegations contained in Paragraphs 296 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 296 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

#### **FIFTEENTH CAUSE OF ACTION**

297. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 296 of the Amended Complaint as if set forth herein in full.

298. Deny the allegations contained in Paragraphs 298 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 298 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

299. Deny the allegations contained in Paragraphs 299 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 299 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **SIXTEENTH CAUSE OF ACTION**

300. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 299 of the Amended Complaint as if set forth herein in full.

301. Deny the allegations contained in Paragraphs 301 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 301 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

302. Deny the allegations contained in Paragraphs 302 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 302 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **SEVENTEENTH CAUSE OF ACTION**

303. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 302 of the Amended Complaint as if set forth herein in full.

304. Deny the allegations contained in Paragraphs 304 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 304 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

305. Deny the allegations contained in Paragraphs 305 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 305 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

306. Deny the allegations contained in Paragraphs 306 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs

306 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

**EIGHTEENTH CAUSE OF ACTION**

307. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 306 of the Amended Complaint as if set forth herein in full.

308. Deny the allegations contained in Paragraphs 308 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 294 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

309. Deny the allegations contained in Paragraphs 309 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 309 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

**NINETEENTH CAUSE OF ACTION**

310. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 309 of the Amended Complaint as if set forth herein in full.

311. Deny the allegations contained in Paragraphs 311 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 311 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

312. Deny the allegations contained in Paragraphs 312 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 312 contains allegations of fact, Defendants lack sufficient knowledge or information to

admit or deny same

**TWENTIETH CAUSE OF ACTION**

313. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 312 of the Amended Complaint as if set forth herein in full.

314. Deny the allegations contained in Paragraphs 314 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 314 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

315. Deny the allegations contained in Paragraphs 315 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 315 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

316. Deny the allegations contained in Paragraphs 316 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 316 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

**TWENTY FIRST CAUSE OF ACTION**

317. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 316 of the Amended Complaint as if set forth herein in full.

318. Deny the allegations contained in Paragraphs 318 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 318 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

319. Deny the allegations contained in Paragraphs 319 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 319 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

### **TWENTY SECOND CAUSE OF ACTION**

320. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 319 of the Amended Complaint as if set forth herein in full.

321. Deny the allegations contained in Paragraphs 321 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 321 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

322. Deny the allegations contained in Paragraphs 322 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 322 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

### **TWENTY THIRD CAUSE OF ACTION**

323. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 322 of the Amended Complaint as if set forth herein in full.

324. Deny the allegations contained in Paragraphs 324 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 324 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

325. Deny the allegations contained in Paragraphs 325 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 325 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

326. Deny the allegations contained in Paragraphs 326 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 326 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

#### **TWENTY FOURTH CAUSE OF ACTION**

327. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 326 of the Amended Complaint as if set forth herein in full.

328. Deny the allegations contained in Paragraphs 328 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 328 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

329. Deny the allegations contained in Paragraphs 329 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 329 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **TWENTY FIFTH CAUSE OF ACTION**

330. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 329 of the Amended Complaint as if set forth herein in full.

331. Deny the allegations contained in Paragraphs 331 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs

331 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

332. Deny the allegations contained in Paragraphs 332 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 332 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

**TWENTY SIXTH CAUSE OF ACTION**

333. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 332 of the Amended Complaint as if set forth herein in full.

334. Deny the allegations contained in Paragraphs 334 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 334 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

335. Deny the allegations contained in Paragraphs 335 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 335 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

336. Deny the allegations contained in Paragraphs 336 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 336 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

**TWENTY SEVENTH CAUSE OF ACTION**

337. Repeat and reallege their responses to the allegations contained in



Paragraphs 1 through 336 of the Amended Complaint as if set forth herein in full.

338. Deny the allegations contained in Paragraphs 338 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 338 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

339. Deny the allegations contained in Paragraphs 339 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 339 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **TWENTY EIGHTH CAUSE OF ACTION**

340. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 339 of the Amended Complaint as if set forth herein in full.

341. Deny the allegations contained in Paragraphs 341 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 341 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

342. Deny the allegations contained in Paragraphs 342 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 342 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **TWENTY NINTH CAUSE OF ACTION**

343. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 342 of the Amended Complaint as if set forth herein in full.

344. Deny the allegations contained in Paragraphs 344 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 344 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

345. Deny the allegations contained in Paragraphs 345 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 345 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **THIRTIETH CAUSE OF ACTION**

346. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 345 of the Amended Complaint as if set forth herein in full.

347. Deny the allegations contained in Paragraphs 347 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 347 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

348. Deny the allegations contained in Paragraphs 348 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 348 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

#### **THIRTY FIRST CAUSE OF ACTION**

349. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 348 of the Amended Complaint as if set forth herein in full.

350. Deny the allegations contained in Paragraphs 350 of the Amended Complaint

as conclusions of law to which no response is required. To the extent that Paragraphs 350 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

351. Deny the allegations contained in Paragraphs 351 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 351 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

### **THIRTY SECOND CAUSE OF ACTION**

352. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 351 of the Amended Complaint as if set forth herein in full.

353. Deny the allegations contained in Paragraphs 353 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 353 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

354. Deny the allegations contained in Paragraphs 354 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 354 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same.

### **THIRTY THIRD CAUSE OF ACTION**

355. Repeat and reallege their responses to the allegations contained in Paragraphs 1 through 354 of the Amended Complaint as if set forth herein in full.

356. Deny the allegations contained in Paragraphs 356 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs

356 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

357. Deny the allegations contained in Paragraphs 357 of the Amended Complaint as conclusions of law to which no response is required. To the extent that Paragraphs 357 contains allegations of fact, Defendants lack sufficient knowledge or information to admit or deny same

**FIRST AFFIRMATIVE DEFENSE**

The Amended Complaint fails to state a claim on which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

The Amended Complaint fails to state a claim on which an award of attorneys' fees can be granted.

**THIRD AFFIRMATIVE DEFENSE**

The Amended Complaint is barred by the doctrine of laches.

**FOURTH AFFIRMATIVE DEFENSE**

The Amended Complaint is barred by the doctrine of waiver.

**FIFTH AFFIRMATIVE DEFENSE**

The Amended Complaint is barred by the doctrine of estoppel.

**SIXTH AFFIRMATIVE DEFENSE**

The Amended Complaint is barred by the doctrine of unclean hands.

**SEVENTH AFFIRMATIVE DEFENSE**

The Amended Complaint is barred by the doctrine of unjust enrichment.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

**NINTH AFFIRMATIVE DEFENSE**

The Amended Complaint is barred by Plaintiffs' failure to exhaust administrative remedies prior to filing suit.

**TENTH AFFIRMATIVE DEFENSE**

The allegations contained in the Amended Complaint do not establish that Defendants constitute a single employer, joint employer and/or alter ego company with Finesse Construction LLC or Innovative Disposal Systems LLC..

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred because all of Defendants' actions toward or concerning Plaintiffs were justified, were privileged, were taken in good faith and for legitimate purposes, and were not in violation of any obligation owed to Plaintiffs.

**TWELFTH AFFIRMATIVE DEFENSE**

Defendants reserve the right to assert additional defenses based upon facts learned during discovery.

**THIRTEENTH AFFIRMATIVE DEFENSE AND FIRST CROSS CLAIM**

Should the trier of fact determine that Defendants Innovative and Finesse are liable, Defendants Innovative and Finesse are entitled to recover the full amount from the co-defendants.

**JURY TRIAL**

Defendants Innovative and Finesse hereby demand a jury trial.

**WHEREFORE**, Defendants request judgment against Plaintiffs with respect to the claims asserted in the Amended Complaint, dismissing the Amended Complaint in the above action, together with costs and disbursements and any other relief this Court may deem just and proper.

Dated: September 7, 2007  
Ardsley, NY

Leonard Herman Esq.

By: \_\_\_\_\_  
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Attorney for Defendants  
Finesse Construction LLC and  
Innovative Disposal Systems  
LLC